

Power's in-service pole inventory, Gulf Power responds as follows (Pole data for 2004 will not be available until mid-summer 2005. 2005 pole data will not be available until mid-summer 2006):

Number and height of Poles as of December 31, 1998		Number and height of Poles as of December 31, 2000	
Pole Height	Number	Pole Height	Number
30 ft.	51,166	30 ft.	50,971
35 ft.	73,268	35 ft.	75,225
40 ft.	65,445	40 ft.	67,005
45 ft.	22,142	45 ft.	23,038
50 ft.	5,646	50 ft.	6,039
55 ft.	1,375	55 ft.	1,449
60 ft.	390	60 ft.	403
65 ft.	115	65 ft.	126
70 ft.	37	70 ft.	37
75 ft.	17	75 ft.	17
80 ft.	25	80 ft.	25
85 ft.	8	85 ft.	8
95 ft.	4	95 ft.	4
100 ft.	6	100 ft.	6
General Poles		General Poles	
Pole Height	Number	Pole Height	Number
35 ft.	3	35 ft.	3
40 ft.	15	40 ft.	15
45 ft.	43	45 ft.	44
50 ft.	8	50 ft.	14
55 ft.	1	55 ft.	1
60 ft.	0	60 ft.	0
65 ft.	98	65 ft.	100
70 ft.	20	70 ft.	20
75 ft.	5	75 ft.	5

Number and height of Poles as of December 31, 2002		Number and height of Poles as of December 31, 2004	
Pole Height	Number	Pole Height	Number
30 ft.	50,845	30 ft.	50,604
35 ft.	76,350	35 ft.	76,729
40 ft.	68,101	40 ft.	68,101
45 ft.	23,797	45 ft.	24,126
50 ft.	6,390	50 ft.	6,687
55 ft.	1,511	55 ft.	1,620
60 ft.	408	60 ft.	418
65 ft.	124	65 ft.	115
70 ft.	40	70 ft.	40
75 ft.	17	75 ft.	20
80 ft.	25	80 ft.	25
85 ft.	8	85 ft.	8
95 ft.	4	95 ft.	4
100 ft.	6	100 ft.	6

Monopole pole	Number	Monopole pole	Number
35 ft.	3	35 ft.	9
40 ft.	15	40 ft.	15
45 ft.	44	45 ft.	57
50 ft.	15	50 ft.	26
55 ft.	1	55 ft.	15
60 ft.	0	60 ft.	0
65 ft.	100	65 ft.	101
70 ft.	20	70 ft.	20
75 ft.	5	75 ft.	5
		125 ft.	4

Number and height of Poles as of December 31, 2002		Number and height of Poles as of December 31, 2003	
	Number		Number
30 ft.	50,317	30 ft.	50,089
35 ft.	78,988	35 ft.	79,968
40 ft.	69,856	40 ft.	70,493
45 ft.	25,148	45 ft.	25,627
50 ft.	7,235	50 ft.	7,357
55 ft.	1,794	55 ft.	1,822
60 ft.	446	60 ft.	447
65 ft.	124	65 ft.	117
70 ft.	40	70 ft.	43
75 ft.	20	75 ft.	20
80 ft.	25	80 ft.	25
85 ft.	8	85 ft.	8
95 ft.	4	95 ft.	4
100 ft.	6	100 ft.	6
Monopole poles		Monopole poles	
	Number		Number
35 ft.	10	35 ft.	9
40 ft.	15	40 ft.	15
45 ft.	60	45 ft.	61
50 ft.	39	50 ft.	45
55 ft.	72	55 ft.	73
60 ft.	12	60 ft.	12
65 ft.	101	65 ft.	101
70 ft.	20	70 ft.	20
75 ft.	5	75 ft.	5
125 ft.	4	125 ft.	4

28. Does Gulf Power share, pool, or otherwise utilize an inventory of poles owned or controlled by affiliated corporations, parents, subsidiaries, and other organizations or operating units, and, if so, indicate and explain in detail the manner in which Gulf Power shares, pools, or otherwise utilizes such inventory.

RESPONSE: Gulf Power objects to this interrogatory on the grounds that it is vague and ambiguous. Subject to and without waiving this objection, Gulf Power shares some in-service poles with Bellsouth, GTC and Sprint pursuant to joint use agreements.

29. Gulf Power represents that it will seek to present evidence of instances in which it has changed-out poles "due to lack of capacity." Describe and explain the circumstances in which a Gulf Power pole, according to You, had and/or has a "lack of capacity" and state where (by pole number and location) and when, if at all, any such determination of "lack of capacity" was made with respect to Gulf Power poles containing any of Complainants' attachments.

RESPONSE: A pole has a "lack of capacity" when another attachment cannot be made. (See response to interrogatory number 2 above). The determination of which poles lack capacity is made by field employees while riding the line to determine the feasibility of an attachment request. Such decisions are made almost everyday in the field and there is no way of identifying each instance where this has occurred. Complainants had attachments on poles changed-out in the build-outs referenced in Gulf Power's January 8, 2004 Description of Evidence

30. Identify and explain every instance in which Gulf Power has changed-out a pole containing one or more of Complainants' attachments at Gulf Power's own expense (i.e., unreimbursed) as a result of a need to accommodate an electric transformer or other Gulf Power equipment or facility.

RESPONSE: It is not possible to identify each such instance, but Gulf Power changes-out poles at its own expense almost everyday in the field. If Gulf Power sees a pole that needs to be changed-out to serve a customer, Gulf Power changes-out the pole and serves its customer as fast as possible.

31. From the "Recommendations" proposed in Gulf Power's Distribution Studies and load planning documents furnished to Complainants on January 11, 2005, identify and describe those "Recommendations" that Gulf Power actually implemented, the specific numbers and locations of poles affected, whether additional pole capacity on those was actually utilized by Gulf Power, measurements indicating how much space was required, and if any Recommendation was not implemented, the reasons therefore.

RESPONSE: Gulf Power objects to this interrogatory on the grounds that it is vague, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and seeks information irrelevant to the hearing issues.

32. In its January 8, 2004 Description of Evidence, Gulf Power represents that it will seek to present evidence of the 40-inch safety zone requirement and its impact on Gulf Power's provision of core electricity operations. Describe and explain with specificity Gulf Power's implementation of the safety zone requirement and how it relates to Gulf Power's determination of "full capacity," "crowding," "lack of capacity" or "insufficient capacity" on a pole; Gulf Power's reservation of pole

space for future use; or any higher-valued use under the *Alabama Power v. FCC* standard.

RESPONSE: There must be 40" of vertical separation between the lowest electrical equipment and the highest communications equipment. The presence of communications attachers requires 40" of "dead" space on a pole and thus severely limits already-limited usable space on a pole.

33. Does Gulf Power develop and maintain a bona fide development plan that reasonably and specifically projects a need for pole space in the provision of its core utility service, and if so, identify and describe such plans (including the dates and authors of those plans) that applied or apply since 1998.

RESPONSE: Yes. See Gulf Power 00005 -- 00809.

34. Does Gulf Power routinely inform prospective and existing attachers when it reserves pole space for future use for its core electricity operations, and if so, identify and describe all such reservations and notifications to attachers, including Complainants, since 1998.

RESPONSE: Yes. Prospective attachers are shown and/or given a copy of Gulf Power's "spec plate" prior to attaching.

35. Does Gulf Power contend that it requires the use of reserved pole space currently occupied by Complainants, and if so, identify all such pole space, the specific poles at issue by number and location, and describe Gulf Power's and the electric industry's practice concerning whether attachers, including Complainants, are given the opportunity to pay for the cost of any modifications needed to rearrange or change-out the poles and to continue to maintain their attachments.

RESPONSE:

36. Does Gulf Power contend that it may charge Complainants that are already attached to its poles the rearrangement or change-out costs of modifications required as a result of an additional attachment or the modification of an existing attachment sought by any other attachers, including Gulf Power? Explain the basis for your answer.

RESPONSE: Gulf Power Company's contention and position on charges to complainants for "rearrangement or change-out costs of modifications" is the same as, based upon, and as required by 47 U.S.C. § 224(h)-(i), which provides as follows:

(h) Modification or alteration of pole, duct, conduit, or right-of-way

Whenever the owner of a pole, duct, conduit, or right-of-way intends to modify or alter such pole, duct, conduit, or right-of-way, the owner shall provide written notification of such action to any entity that has obtained an attachment to such conduit or right-of-way so that such entity may have a reasonable opportunity to add to or modify its existing attachment. Any entity that adds to or modifies its existing attachment after receiving such notification shall bear a proportionate share of the costs incurred by the owner in making such pole, duct, conduit, or right-of-way accessible.

(i) Costs of rearranging or replacing attachment

An entity that obtains an attachment to a pole, conduit, or right-of-way shall not be required to bear any of the costs of rearranging or replacing its attachment, if such rearrangement or replacement is required as a result of an additional attachment or the modification of an existing attachment sought by any other entity (including the owner of such pole, duct, conduit, or right-of-way).

37. Does Gulf Power contend that payment of make-ready expenses by an attacher is insufficient to reimburse Gulf Power for its marginal costs, and if so, explain the basis of any such contention.

RESPONSE: Yes. See response to interrogatory number 7 above. The APCo v. FCC decision uses the term "marginal costs" interchangeably with the Cable Rate.

38. Identify and describe all facts, documents, data and other information that support Gulf Power's claim for a pole attachment rental rate from any cable operator Complainants in excess of marginal cost.

RESPONSE: Gulf Power objects to this interrogatory on the grounds that it is overly broad and unduly burdensome insofar as it seeks a reiteration of all legal principles, facts and documents addressed since the outset of this proceeding and the proceeding leading to the APCo v. FCC opinion.

39. Identify and explain the methodologies, formulae, cost accounts, data and/or other bases, if any, used by Gulf Power in calculating or formulating the pole attachment rental rate in excess of marginal cost and identify all persons, whether or not employed by Gulf Power, involved in any way in the determination of such methodologies, formulae, cost accounts, data and/or other bases.

RESPONSE: Gulf Power will disclose this information in accordance with the Presiding Judge's March 30, 2005 Order.

40. Identify all documents that reflect or refer to negotiations between communications attachers (including Complainants) and Gulf Power involving pole attachment rental rates exceeding the FCC's Cable or Telecommunications Formula, 47 U.S.C. § 224(d) and (e), and implementing regulations.

RESPONSE: See documents within Bates range Gulf Power 00826 -- 2309.

41. Identify all documents that reflect or refer to negotiations between joint users of a pole (i.e., an incumbent local exchange carrier) and Gulf Power involving pole attachment rental rates exceeding the FCC's Cable or Telecommunications Formula, 47 U.S.C. § 224(d) and (e), and implementing regulations.

RESPONSE: See documents Bates labeled as Gulf Power 2089 -- 2148.

42. Identify all documents that reflect or refer to negotiations between non-Section 224, non-joint user attachers (e.g., R. L. Singletary, Inc. and Crest Corporation) and Gulf Power involving pole attachment rental rates exceeding the FCC's Cable or Telecommunications Formula, 47 U.S.C. § 224(d) and (e), and implementing regulations.

RESPONSE: See documents within Bates range Gulf Power 00826 -- 2309.

43. Does Gulf rely on, or intend to rely on, any cost methodologies, or concepts from or portions of cost methodologies, other than the Sales Comparison Approach, Current Replacement Cost Approach and the Federal Concessions Leasing Model? If so, please identify and describe with specificity these additional cost methodologies and/or concepts, and explain why Gulf Power contends they are applicable to Gulf Power's claims for additional compensation from Complainants.

RESPONSE: Not presently. Gulf Power reserves the right to employ different methodologies. If it does so, those methodologies will be disclosed in accordance with the Presiding Judge's March 30, 2005 Order.

Gulf Power does not currently pay rental rates to any other joint user pole owners due to being the majority pole owner in all joint use pole relationships.

44. Describe and explain Gulf Power's understanding of the Sales Comparison Approach as highlighted in Gulf Power's December 3, 2004 "Preliminary Statement on Alternative Cost Methodology," and explain Gulf Power's application of this approach to calculating pole attachment rental rates.

RESPONSE: The Sales Comparison Approach looks to other sales of identical property (free of government regulation). Gulf Power will explain its application of the Sales Comparison Approach when it discloses its experts in accordance with the Presiding Judge's December 17, 2004 Order.

45. Identify the pole attachment rental rates paid to Gulf Power by joint users, the specific amount of pole space leased by such joint users, and explain the methodologies, if any, used to calculate these rates.

RESPONSE:

Gulf Power Company Pole Attachment Rates						
Company:						
BellSouth Telecommunications Inc.	\$58.84	\$60.72	\$66.00	\$67.51	\$69.08	\$70.82
Sprint-Florida, Inc.	\$23.96	\$23.96	\$26.50	\$26.50	\$26.50	\$26.50
GTC, Inc.	\$21.97	\$22.68	\$27.04	\$27.04	\$27.04	\$27.04

Gulf Power Company Pole Space Leased from Joint Users			
Company:			
BellSouth Telecommunications Inc.	2'-0"	2'-6"	3'-0"
Sprint-Florida, Inc.	Not specified	2'-6"	3'-0"
GTC, Inc.	Not specified	2'-6"	3'-0"

BellSouth, Sprint-Florida, Inc. and GTC, Inc.: Rate Calculation

$$\text{Rate} = \text{Investment} \times \text{Annual Charge} \times \text{Space Allocation}$$

46. Identify the pole attachment rental rates paid by Gulf Power to other joint users pole owners, the specific amount of pole space leased by Gulf Power from such joint users, and explain the methodologies, if any, used to calculate these rates.

RESPONSE:

Gulf Power Company Pole Space Leased from HEP			
Company:			
BellSouth Telecommunications Inc.	2'-0"	6'-0"	8'-6"
Sprint-Florida, Inc.	Not specified	6'-0"	8'-6"
GTC, Inc.	Not specified	6'-0"	8'-6"

47. Describe and explain Gulf Power's understanding of the Current Replacement Cost Approach as highlighted in Gulf Power's December 3, 2004 "Preliminary Statement on Alternative Cost Methodology," and explain Gulf Power's application of this approach to calculating pole attachment rental rates.

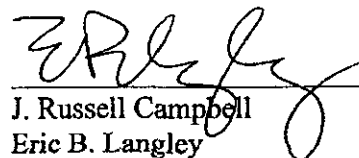
RESPONSE: The Current Replacement Cost Approach, which is a recognized fair market value proxy, looks to the current cost of reproducing the property. It relies on current costs, unlike the Cable Rate and Telecom Rate which rely on disfavored historic costs. Gulf Power will explain its application of the Current Replacement Cost Approach when it discloses its experts in accordance with the Presiding Judge's March 30, 2005 Order.

48. Describe and explain Gulf Power's understanding of the Federal Concessions Leasing Model as highlighted in Gulf Power's December 3, 2004 "Preliminary Statement on Alternative Cost Methodology," and explain Gulf Power's application of this approach to calculating pole attachment rental rates.

RESPONSE: The Federal Concessions Leasing Model is a valuation method proposed by Gulf Power's valuation experts. It uses the Federal government's own methodology for valuing property for which there is no market, or which does not have an easily ascertainable market value. Gulf Power will explain its application of the Federal Concessions Leasing Model when it discloses its experts in accordance with the Presiding Judge's March 30, 2005 Order.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Responses To Complainants' First Set Of Requests For Production Of Documents has been served upon the following by Electronic Mail and by Federal Express on this the 18th day of April, 2005:

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Complainants' Motion to Dismiss (Redacted Version)* has been served upon the following by electronic mail and U.S. Mail on this the 1st day of August, 2005:

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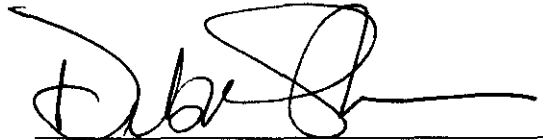
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